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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

PATRICIA N. and GUY N.,)	CIVIL NO. CV00-00252 MLR
Individually and on behalf of)	(Other Civil Matter)
their minor daughter AMBER)	
N.,)	DEFENDANTS DEPARTMENT OF
)	EDUCATION AND PATRICIA
Plaintiffs,)	HAMAMOTO'S MOTION TO DISMISS
)	PLAINTIFFS' FIRST AMENDED
vs.)	COMPLAINT, FILED JUNE 2, 2008,
)	FOR FAILURE TO EXHAUST
PATRICIA HAMAMOTO, in her)	ADMINISTRATIVE REMEDIES;
official capacity as)	MEMORANDUM IN SUPPORT;
Superintendent of the Hawaii)	

Department of Education;)	DECLARATION OF GREGG M.
DEPARTMENT OF EDUCATION,)	USHIRODA; EXHIBITS "A"-F;
STATE OF HAWAII,)	CERTIFICATE OF SERVICE
)	
Defendants.)	
<hr/>		NO TRIAL DATE SET

**DEFENDANTS DEPARTMENT OF EDUCATION AND PATRICIA HAMAMOTO'S
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT, FILED
JUNE 2, 2008, FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES**

Comes now Defendants DEPARTMENT OF EDUCATION ("DOE") and PATRICIA HAMAMOTO (collectively, "Defendants"), by and through their attorneys, WATANABE ING & KOMEIJI, LLP, and hereby respectfully move this Honorable Court for an Order dismissing Plaintiffs' First Amended Complaint filed on June 2, 2008 ("First Amended Complaint").

In the First Amended Complaint, Plaintiffs seek: (1) reimbursement for out-of-pocket, education-related expenses; (2) reimbursement for lost wages; and (3) amendment of Amber N.'s Individualized Educational Program. None of these claims, however, were presented at the administrative level. This is despite the fact that each claim can be redressed by the IDEA's administrative procedures and remedies. As a result, because Plaintiffs failed to exhaust the available administrative remedies under the IDEA, the First Amended Complaint must be dismissed.

This motion is made pursuant to Rule 7 of the Federal Rules of Civil Procedure, 20 U.S.C. § 1414, et. seq., and all applicable Local Rules of Practice for the United States District

Court for the District of Hawaii, and is based upon the attached memorandum in support of motion and the entire record and files herein.

DATED: Honolulu, Hawaii, June 23, 2008.

/s/ Gregg M. Ushiroda

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